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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,036	11/17/2003	**Christianna R. Jackson**	FGT 1854 PA	1035

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EXAMINER	
ILAN, RUTH	

ART UNIT	PAPER NUMBER
3616	

MAIL DATE	DELIVERY MODE
03/31/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/707,036	JACKSON ET AL.	
	Examiner	Art Unit	
	Ruth Ilan	3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 March 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 3/15/2006. These drawings are approved.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, and 8-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kumagai et al. (US 2003/0160433 A1.) Kumagai et al. teaches a side airbag that enhances thorax protection and includes a first (1b) and second (1a) chamber which have first and second gas volumes that are separate (see par. [0017].) The second chamber is a pelvis pushing chamber and the first chamber is a thorax protecting chamber, and the second chamber is inflated at a higher pressure (see par. [0022]), and as such is stiffer. As shown in Figure 2a the second chamber is smaller than the first chamber. Also taught is an inflator (3) and an inflator manifold (4) with at least one first and second opening (4b, 4a) for supplying a first and second gas volume to each of the chambers, respectively. The second opening (4a) is sized larger than the first opening (4b – see para. [0022].) Regarding claim 8, the air bag of Kumagai has at least one

panel “configured for defining” the two portions, since Kumagai teaches (in para. [0017] that the airbag is made from a sheet-like material formed into a bag shape, which as such defines chambers, since it surrounds the outside of the airbag, and additionally, the at least one panel can include the panel that is a separator (2.) It is noted that as amended, each of the independent claims includes the limitation that the gas is prevented from back-flowing from one portion through the inflator manifold into the other portion. A review of the instant specification, especially as noted in paragraph [0029] indicates that backflow is prevented during the "continuous injection of gas". As such Kumagai inherently discloses this feature, since during the flow of gas, no gas will flow the opposite way. The broadest reasonable interpretation of the amended claim language, and in fact the only one supported by the specification, includes only no back flow during the continuous flow of gas, and Kumagai inherently teaches such, Since the only openings into the manifold are the injection ports.

4. Claims 1-5, 7-12, 14 and 20 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tanase et al. (WO 02100690- please note that the examiner is relying on US 2004/0021304 A1 for translation purposes.) Tanase et al. teaches a side air bag (Figure 17) including first and second chambers (3113a,3113b) which have first and second gas volumes that are separate (by seam 3114.) As shown in Figure 17, the second chamber is smaller than the first chamber. Also taught is an inflator manifold (3116) with at least one first and second opening ((3116a, 3116b.) The second openings are greater in quantity than the first openings. Tanase et al. teaches that there are pressure differences between the

upper and lower chambers, (see paragraph [0123 and 0124] of 2004/0021304.) Inherently, since the number of apertures leading to the bottom chamber is greater, and the bottom chamber is smaller, the airflow into, and pressure in the bottom chamber will be greater than the pressure in the top chamber, and as such is stiffer. Alternately, the Examiner takes Official Notice that it is known with side air bags mounted in seats to supply pressure to the top and bottom chambers such that bottom chamber is more highly pressurized than the top, and as such stiffer, so that the side airbag protects the occupant appropriately based on the biomechanics of the thorax and pelvis. Acker, US 6,349,964, as cited by the Applicant, is evidence that such a distribution is well known. It would have been obvious to one having ordinary skill in the art at the time of the invention, to pressurize the bottom and top chambers of Tanase et al. in the claimed manner, in order to provide for a gentler thorax pressure so as to protect the more delicate thorax region of the occupant, and as such the bottom chamber is stiffer than the top chamber. Regarding claim 8, the air bag of Tanase et al. has at least one panel "configured for defining" the two portions, since in conjunction with the seam the outside panel of the air bag into a bag shape, which as such defines chambers, since it surrounds the outside of the airbag and is separated into two chambers by the seam. A review of the instant specification in order to interpret the amended claim language, especially as noted in paragraph [0029] indicates that backflow is prevented during the "continuous injection of gas". As such Tanase et al. inherently discloses this feature, since during the flow of gas, no gas will flow the opposite way. The broadest reasonable interpretation of the amended claim language, and in fact the only one supported by the

specification, includes only no back flow during the continuous flow of gas, and Tanase inherently teaches such, Since the only openings into the manifold are the injection ports.

5. Claims 1-5, and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Acker et al. (US 6,349,964.) Acker et al. teaches a side airbag that enhances thorax protection and includes a first (20) and second (22) chamber which have first and second gas volumes that are separate (see col. 3, line 50) The second chamber is a pelvis pushing chamber and the first chamber is a thorax protecting chamber, and the second chamber is inflated at a higher pressure (see col. 2, lines 3-12) which makes it stiffer than the first chamber. As shown in Figure 1 the second chamber is smaller than the first chamber. Also taught is an inflator (36) and an inflator manifold (30) with at least one first and second opening (42, 44) for supplying a first and second gas volume to each of the chambers, respectively. Regarding claim 8, the air bag of Acker et al. has at least one panel “configured for defining” the two portions, since Acker et al. that the airbag is made from a sheet-like material formed into a bag shape, which as such defines chambers, since it surrounds the outside of the airbag and is separated into two chambers by the seam. is noted that as amended, each of the independent claims includes the limitation that the gas is prevented from back-flowing from one portion through the inflator manifold into the other portion. A review of the instant specification, especially as noted in paragraph [0029] indicates that backflow is prevented during the "continuous injection of gas". As such Acker et al. inherently discloses this feature, since during the flow of gas, no gas will flow the opposite way (see also col. 5, lines 1-

13) The broadest reasonable interpretation of the amended claim language, and in fact the only one supported by the specification, includes only no back flow during the continuous flow of gas, and Acker et al inherently teaches such, since the only openings into the manifold are the injection ports.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumagai et al. (US 2003/0160433) in view of Wipasuramonton et al. (US 6,270,113 B1.) Kumagai et al. is discussed above, and for those elements not discussed includes an inner panel (2) that separates the upper and lower chambers. Kumagai et al. fails to disclose the details of the outer wall airbag construction, that is does not specifically indicate that the outside airbag is formed from first and second outer panels. Wipasuramonton et al. teaches that it is equivalently contemplated that two panels or a single panel can be used to form a side air bag (see col. 2, line 24.) It would have been obvious to one having ordinary skill in the art at the time of the invention to construct the air bag of Kumagai et al. from two outer panels, since Wipasuramonton et al. teaches that such a construction is a well known equivalent of a single panel, and additionally, the use of two panels makes it easier to construct the air bag from smaller stock material.

Response to Arguments

8. Applicant's arguments filed 6/20/2006 have been fully considered but they are not persuasive. Regarding Kumagai et al., Tanase et al, and Acker et al., the gas distributor is a manifold that injects gas out of each of the ports in a high pressure manner similar to the instant invention. In the instant application, as shown in Figure 3, an inflator device (36) is coupled to an intake manifold (24, and clearly there must be gas flow along the manifold. As noted in paragraph [0029] it is the continuous injection of gas that causes no backflow, there is no disclosure on any other structure that causes this. As such, Applicant's arguments are not well founded since the prior art devices must behave in the same way. The only reasonable interpretation, in light of the instant specification, is that there is no backflow during gas injection.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 571-272-6673. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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